Secrt., II-67—48,000—10-12-33

Law (Genl.) (1933) Department.

MS. SERIES.

G.O. No. 3755

DATED 20-11-1933

[Despatch Abstract.]

Criminal appeal

Appeal against acquittal - C.A.No.16/33 on the file of the Sessions Judge, South Kanara - Declined.

***

29 5546 B
6/13)

Ref. C-4413/m/33

South Kanara Dt. Magistrate's Office,

Mangalore, dated 2nd November 1933.

VE/85

From

E. M. Gawne, Esq, I.C.S.,

District Magistrate,

South Kanara.

To

The Secretary to Government,

Law (General) Department,

Madras.

Sir,

H 16-41 2(W)

Criminal Justice-- C. A. 16/33 on the file of the Sessions Judge in C.C.34/33 on the file of the SubD Divisional Magistrate Mangalore--order of acquittal by Sessions Judge in appeal--Appeal against acquittal--recommended.

H 43-58 (W)

C.C.No.34/33 on the file of the Sub Divisional Magistrate Mangalore related to a Police charge sheet against one Pellipadi Naila Rai and 26 of his associates for offences of rioting armed with deadly weapons, (section 148 I.P.C.) of attempt to murder (section 307 I.P.C.) and of hurt and grievous hurt (sections 324 and 326 I.P.C. read with section 149 I.P.C.). The charge under section 307 I.P.C. was subsequently withdrawn for want of proof. The Sub Divisional Magistrate discharged A1, 21, 26 & 27 for want of evidence against them, acquitted A18 and 20 under section 258 (1) C.P.C. and convicted the other 21 accused of the offences with which they were charged. The accused who were convicted appealed to the Sessions Judge who allowed the appeal and acquitted the appellants in his judgment dated 9th October 1933 in Crl. Appeal No. 16/33 on his file.

2. The Public Prosecutor, Mangalore, and the District Su-

perintendent of Police have proposed the [illegible] the acquittal on th[illegible] miscarri[illegible] of justice [illegible] evidence for the prosecution [illegible] affected the peace and order in [illegible] Futtur Taluks which is under the influence [illegible] accused Maila Rai and his [illegible] some others.

[illegible]. I am convinced that it [illegible] of law and order that the [illegible] notorious rowdies [illegible] be committed on [illegible] to the serious injuries [illegible] not have been self inflicted. The [illegible] 4 and 7) among the injured [illegible] the mob attacked [illegible] identity. In para 21 the Sessions Judge is frankly puzzled by these injuries but at least it makes out of the question the defence version that the injured persons were injured [illegible] the Iliyur house in order [illegible] the accused were armed [illegible] house was futile. The [illegible] 44 and yet in paras 47 and [illegible]

[illegible]. [illegible] that the Sessions Judge [illegible] there at all. No doubt the [illegible] ably from the affair. That [illegible] was surrounded by a large number of [illegible], [illegible] and he was far from help. [illegible] away. He was nearly shot [illegible] rather 'vacillating' [illegible] volver.

[illegible]. The Sessions Judge should not have [illegible] able statement that persons [illegible] of fear of Maila Rai and [illegible] 4 [illegible]

Court cannot find out the true facts if there are no disinterested witnesses. But all the injured persons were not "interested" in the sense that they belonged to P.W. 1's party. The Sessions Judge has found no reason for the two way-farers (P.Ws. 4 and 7) being injured.

Ft 1-15 9 (W)

6. I enclose herewith a memorandum of argument on the Sessions Judge's judgment of acquittal prepared by the Public Prosecutor, Bangalore and recommend that the Government may be pleased to direct the Public Prosecutor, Madras, to present an appeal to the High Court from the appellate order of acquittal passed by the Sessions Judge.

M 14-58 r (1)

7. Copies of judgments of the Sub Division Magistrate, Bangalore, and of the Sessions Judge are submitted for reference.

Your obedient servant,

Sd/-

Dt. Magistrate.

Law (General) Depart

C.No. 5546 B

Endt.No. 5546 B-1/8-11/33.

Criminal appeal
~~Criminal revision petition~~

Appeal against acquittal
~~Enhancement of sentence~~
~~To set aside the order of discharge~~

S.C./~~C.C./Cri.~~No. 16 9/33 on the file of the Sessions Judge, Sri Kamara

From the D.M., S. Kamara

Ref.No. 4413/m/33 d. 2.11.33

referred to the P.P./~~Crown Prosecutor~~, Madras, for opinion whether an appeal ~~a criminal revision petition~~ to the High Court against the judgment of the for enhancement of the sentence passed to set aside the order of discharge passed by the Sessions Judge, Sri Kamara acquitting accused (appellants) in C.M./~~C.C./Cri.~~ No. 16 9/33 on his ~~xxxx~~ file as likely to be successful.

2/- He is requested to forward his opinion as early as possible, ~~by~~

Dpd. 1 Ver 6 copy 3 Cer 3. Date

To the P.P./~~Crown Prosecutor~~, Madras (with a copy of the ~~Endt.~~ letter/~~letter of the Commr. of Police~~ and its encl. in original to be returned with reply)

Note.
Date of Judgment 9-10-33
" expiry of the usual appeal time 8-1-33

No limit of time for filing criminal revision petitions.

R 1 month

C.F. 30.

JUDICIAL 5 DEPARTMENT.

VU d-955769B

15741/33.

Received ..... 192 *Registered* 83 192

Subject.

BRIEFING 15 NOV LAW DEPART

Appeal against acquittal - C.A.1-,-- Sessions Judge, South Kanara - forwarding opinion.

ENCLOSURES.
No .....
.....
Spare copies .....

Opinion No. 74 of 33

Station Madras *Dated the* 14th November 1933.

From (Name) L. H. Bewes Esquire,

(Designation) Public Prosecutor, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

With reference to Endorsement No.5546 B-1, Law (General) dated 8-11-33, I have the honour to forward herewith my opinion in the matter.

2. The enclosures received with the endorsement are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

L. H. Bewes

Public Prosecutor.

RS/14-11.

14/XI

6

Endorsement No. 5546 B-1, Law (General) dated 8-11-1933.

OPINION

In this case 27 persons were charged by the Bantwal police before the Sub Divisional Magistrate of Mangalore for offences under Sections 148 and 326 read with 149 I.P.C. The trial Court discharged accused 1, 21, 26 and 27 and acquitted accused 18 and 20 and convicted the rest sentencing accused 2 to 4 months under Section 148 and 6 months under Section 148 read with Section 149 and the rest of the accused to 2 months under Section 148 and 3 months under Section 326 read with Section 149 I.P.C.

The rioting was the outcome of a property dispute which had arisen in the following circumstances: There was one Gummakka who was the Ejamanathi of an Aliyasanthana family. During her life time she was collecting her rents from her tenants through accused 1 and 2. After her death her sister Devamma succeeded to the properties and accused 1 and 2 offered to help her to continue the collection of rents and profits as before, but she refused their assistance. In consequence of that they were giving trouble to Devamma in the collection and management of her properties. Petitions to the police and Magistrate were preferred by Devamma and her son-in-law, P.W.8 for ~~xxxxxxxxx~~ protection against accused 1 and 2 and their followers. This

rioting ensued on the day of the occurrence in the presence of the Sub Inspector of Police, P.W. [illegible] the first information, Ex. A, was sent by P.W. [illegible] through P.W.17. Though Ex. A was sent two hours after the actual occurrence it merely mentions that the second accused and party numbering about [illegible] or 70 men, most of them known men, came in a body and assaulted P.W. [illegible] and his party and caused serious injuries. It does not give any particulars as to who the other accused were, who the persons that were injured and what was the nature of the injuries that were sustained by them. The prosecution had also put forward eye-witnesses to the occurrence namely P.Ws 1 to 7 besides P.Ws 8 and 9 who had also a knowledge of the occurrence. The accused in their defence put forward that the house and other properties had not actually been in the possession of Devamma but continued to be in the possession of the second accused and when the prosecution party attempted to take forcible possession of the house there was a scuffle at the house and not on the river bank as alleged by the prosecution. The trial Court believed the evidence of the prosecution witnesses and convicted the accused as above mentioned. In appeal the learned Sessions Judge in an elaborate judgment discussed the various aspects of the case and came to the conclusion that the first information, Ex. A sent by P.W. [illegible] could lead one to the natural inference that he was writing things which he

not personally see. Besides, he was of opinion that all the witnesses on the side of the prosecution were interested and in the absence of other independent testimony which might have been available, it was unsafe to base a conviction on such evidence. He has also found that the prosecution had not proved beyond doubt that the attack occurred at the Sarpadi ferry as mentioned by the witnesses. On these reasons he held that the prosecution had not proved its case and acquitted the accused.

The reasons given by the Sessions Judge cannot be said to be perverse or out of the way or even unsupported by the evidence on record. When he chooses to disbelieve the evidence for reasons mentioned by him in his judgment it is not likely that the High Court would disturb such an order of acquittal as was passed in this case.

I am therefore of opinion that an appeal is not likely to be successful.

Madras,
14th Nov. 1933.

Public Prosecutor.

RS/14-11.

Sessions Court of South Kanara.

Criminal Appeal No 16/33.

26 OCT 1933

Between:

Ammu Shetty and others	Appellants. (Accused)
and	
King Emperor	Respondent. (Complainant)

The case for the prosecution is that while Gummakka was the ejamanthi of the Aliyasantana -- family, her younger sister Devamma with her daughter and son-in-law, P.W.8 were living in the main -- family house at Eliyur while Gummakka herself was living with her daghter Laxmimathi and her son-in-law Ammu Padivala at Arikallu house in Kadeshwalya village. The rent collections of the entire - family properties paying an assessment of over - Rs. 2,300/- was entrusted to A1 and A2 who were - making a large profit for themselves by misappropriating a large portion of the rents. Gummakka died in July 1931 and after her death her younger sister Devamma became the ejamanthi of the family as the seniormost member and the patta of the -- entire properties was changed into her name. A1 and A2 offered to collect the rents as before but Devamma having refused A1 and A2 set themselves up against her and began a sort of warfare by - winning over the tenants of the family properties by threats or bribes, by forcibly carrying away the rice and paddy of the tenants and preventing

Ex. L.

them from attorning to the [illegible]
DD, Ex and P.Ts 1, 5, 8, 9, 11 and 12.

In the course of this [illegible] the depredations of A1 and [illegible] became so [illegible] able that the Pattadarthi was forced to [illegible] the aid of a rich neighbouring [illegible], P.W.1 [illegible] gave the entire property in [illegible] to him in October 1961. The main [illegible] house and [illegible] home-farm lands were in the possession of [illegible] herself and when she had to go to the [illegible] a relation of hers in Pattiki village in [illegible] 1961 she asked this P.W.1 to be in possession [illegible] of the family house and to guard it [illegible]. While P.W.1 with some [illegible] was [illegible] possession the Bantwal Sub Inspector, [illegible] got there by A1 and A2 and got him [illegible] arrested on 12-10-1961 and [illegible] to Bantwal. Because of this [illegible] began to make it too hot for him [illegible] the term lease within [illegible] months. While [illegible] making ready to take forcible possession of the house, Devamma filed a petition before the Circle Inspector of Police on 20-10-1961 [illegible] police aid and for protection of her possession of the family house and the home-farm lands. [illegible] Ex. L. The Circle Inspector after [illegible] sent a report in which [illegible] under section 145 Cr.P.C. were started [illegible] court after hearing the evidence held that [illegible] Devamma was in possession and [illegible] possession. (Ex. M.) It is [illegible] that the contention of A1 is the [illegible]

the previous ejamanthi Gummakka had put him in possession of the family houseand lands and that in fact he was collecting the rentals for her. The Circle Inspector also has given evidence in the said enqiry that when he went there he found Devamma and her party in actual possession. -- While those possession proceddings were pending, the time for collecting the rentals of the 1st - instalment came and as A1 and 2 and their partisans and followers were maraading the lands and threatening Devamma and her agents with harm in case - they should collect the rents, Devamma filed a -- petition on 19-1-1932 under the ~~Chadiar~~ Estates - Land Act for police aid during rent collections. (Ex. P.) This petition was endorsed by the Circle Inspector to the Sub Inspector with definite -- orders to remain in the village and to see that no breach of ~~xxxxx~~ the peace takes place. The Sub Inspector (P.W.9) however ~~xxxx~~ even before - this petition was filed had gone to the village in the company of A1 and 2 on account of certain allegations made by A1 and 2 against P.W.1 and his party. It is in evidence that some of the rice rentalcollected by P.W.8 that day was even held up by the Sub Inspector at the instance of the - accused, though he subsequently released it. On the 19th evening inspite of the specific orders - of the Circle Inspector to the contrary, the Sub Inspector brought back the Head Constable and the Constables and all returned to Bantwal thus -- leaving a free field to the accused who on that night went and took forcible possession of the - Eliyur house. On the Head Constable reaching --

the Bantwal station [illegible] night t[illegible] Inspector
agains sends him back to the vill[illegible] [illegible]ted
ed foul play. This Head Constable [illegible] the
~~Stall~~ Hotel's house which is [illegible] 1/2 [illegible] the
Uliyur house hears about the trouble [illegible] --
accused into the family house and [illegible] in
company of P.W.8 actually finds them in company of
it forcibly taken possession of by [illegible].
On coming to know the actions of the Sub Inspector
on the 19th Devamma got another petition filed
before the Sub Magistrate Bantwal on [illegible]-1-1[illegible],
Ex. FF, which is also endorsed by the [illegible]-
trate to the Police. The Sub Inspector [illegible]
goes to Sarpadi on the afternoon of [illegible] --
reaches the Sarpadi ferry at 2 P.M. [illegible] --
meets and asks P.W.8 to come with [illegible] [illegible] but
rents ~~at~~ but P.W.8 refuses to go with the Sub Inspec-
tor as he is a parti[illegible] [illegible] --
Sub Inspector then crosses the ferry to the Sarpa-
pady side and getting P.W.1 persuaded [illegible] --
call over P.W.8 from the Sarpadi side [illegible] to -
endorse at least on the petition that he has
not sent the aid of the Sub Inspector. It is
while P.W.8 was crossing over to the Sarpadi -
side that these accused with about 40 or 50 others
armed with cagels, knives and guns rush to the -
place and beat P.W.1. P.Ws 2, 3 [illegible] and
and P.W.1 jumps over the stile and [illegible] -
the sands where he is chased and [illegible]
A 2 to 6 and some other and there also [illegible] -
beaten. P.Ws 2, 3 and 8 follow and try to inter-
vene and they are also beaten along with [illegible] -
4, 5 and 7 who also happens to go there. Two of

them P.Ws 4 and 7 are simple wayfarers and they too are not let off. P.W.8 was then seen coming towards the sands on the Sarpadi side and Accused 2 and others rushed towards him and fired 2 or 3 - shots at him with a revolver. P.W 8 however runs back into the river, dives and survives and is - ultimately rowed across the river. In the mean-time Kunta Beari one of the injured men goes into the toddy shop on the plain and finding a loaded gun inside fires it off with the intention of -- frightening away the roiters. Accused 2 and others surrounded the toddy shop suspecting their enemy - Mana to be inside, go in and find Kunta Beari (P. W.5) there and Accused 2 drags him out with the - gun and wants the Sub Inspector to arrest him. The Sub Inspector who has been vainly trying to stop the beating makes a show of arresting Kunta Beari to prevent further harm. Accused 2 however under the excitement which he must have been in at the time points a revolver at the Sub Inspector and threatens to shoot him. While this was prevented by Accused 23 and another saying that after all the Sub Inspector had not done them any harm. - The Sub Inspector's previous actions and conduct justifies this intervention by Accused 23 and -- saving him. The Sub Inspector then marches this Kunta Beari to the Maninalkur potail's house -- followed by some of the accused and from there sends the first information of the occurances, Ex. A with Head Constable Krishnappa who reaches the station at 12 midnight and the Circle Inspector records a detailed statement from him, Ex. N. as to what he said and what the accused did on -

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26 OCT 1933

the forenoon of the 20th i.e the lootin- of certain houses of the t[illegible] etc. [illegible] ed men are brought to [illegible] Circle Inspector questions the[illegible] statements. He goes to the locality [illegible] and sends Aunta Beari who [illegible] pector all along for medical inspection. [illegible] Circle Inspector in the course of the investigation finds marks of blood on the [illegible] Sarapdi side of the ferry and the toddy [illegible] arrack shops (Exs. R, [illegible] and T). These [illegible] are consistently spoken to by P.Ws 1 to 7 of whom P.Ws 1 to 7 are injured men.

The case for the defence [illegible] Accused 2 and his party were in [illegible] the Eliyar house and P.[illegible] to 7 [illegible] there armed and in trying to take [illegible] possession from Accused 2 were beaten [illegible] and that P.[illegible]9 actually connived at [illegible] ed P.Ws 1 to 7 in thus taking forcible [illegible] of the house and lands. D.[illegible] and [illegible] this and D.[illegible]6 an alleged ferryman say [illegible] fight took place at the ferry. The other D.[illegible] examined are all for the child of one or the other accused. D.Ws 1 to 3 are for Accused [illegible] 7 and 8 for Accused 4 and D.[illegible]9 for [illegible]

That fight did [illegible] the afternoon of 20-1-1[illegible] which P.[illegible] were injured is admitted by the defence. The only question is where and under what circumstances the fight

it take place. The Sub Divisional Magistrate who heard the case held that the fight took place at - the Sarapady ferry as stated by the prosecution - and not at the Eliyur house as contended by the - accused. The Sessions Judge however finds that - the Prosecution ~~they~~ had a strong motive to take possession of the house ad finds the accused's version more probable.

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Long prior to the date of this -- offence it will be found from Exhibit M and the -- evidence in the case that the Circle Inspector and Sub Inspector had been examined in the possession case and that they had deposed to having found Devamma in actual -- possession of the house. Any way the possession - proceedings were pending and the c.p therein (Accused 2 in this case) had not at any time asked for a local inspection of the house to see who is in actual possession. If he had, then no doubt - P.Ws 1 and 8 had necessity to retake forcible --- possession of the house soon and before any local inspection is held. As it is, even if the accused had taken wrongful possession on 19-1-32 the court would have given Devamma possession of the house if it declared her possession as any dispossession during the pendency of the proceddings or even -- within two months prior to it would not have matter-ed. So Devamma's party had no necessity to take the law into their own hands and retake forcible possession of the house. Then again it is not the accuseds' case that they took forcible possession of the house on 19/1.32 They say that Accused 2 has been in possession since Gummakke's life time If, even when the petition Ex. L was filed or -

the Circle Inspector [illegible] they gave the evidence in the case [illegible] Accused 2's party in quiet possession, [illegible] had happened to make the time [illegible] on 20/1.1932

It is further [illegible] on 20/1 the Hea Constable [illegible] during the major part [illegible] Nair another police [illegible] and [illegible] ing the whole of that day. [illegible] place in the house [illegible] had bleeding injuries [illegible] place there, blood must [illegible] Circle Inspector was [illegible] It [illegible] accuseds' case that [illegible] party P.Ws 1 to 7. [illegible] possession of the house [illegible] tion party could have [illegible] blood or fight from [illegible] the Circle Inspector? [illegible] would have rushed to the authorities of the court with their story. It is [illegible] Circle Inspector [illegible] refused to see or [illegible] examined the Circle Inspector [illegible]

handed action, as his party

I find [illegible] party went armed [illegible] of the house [illegible] sufficiently large [illegible] of the party in [illegible] did take place there, it is [illegible] that

not one of the accused received any injuries , not evena scratch. Can this be possible at all. When 7 persons of P.W. 1's party were being so roughly handled, the party who goes armed to take forcible possession of the house would certainly have dealt the other side at least one blow. Yet from the evidence of D.Ws 4 and 5 it is clear that not one of the accused's party received any injury. This circumstance if anything, conclusively -- proves that the fight could not have taken place - at the house as now contended by the Accused.

OFFICE ... 26 OCT 1933

On 22/1/33, the Circle Inspector does find blood on the sands of the Sarapadi side of the river at the toddy shop and arrack shop. How could this be if the fight did not take place there. There does not seem to be any reason why the Sub Inspector and prosecution should have - chosen Sarapadi Ferry of all places to lay the scene of fight, if the whole thing were a concoction. They could have easily chosen some place in Manimalkur itself.

The defence version thus is seen to be entirely false. The prosecution story is spoken to consistently by all the persons injured, P.Ws 1 to 7 in addition to the Sub Inspector (P. W. 9) and P.W.8.

A reading of the Judgment of the Sessions court shows that the Judge has been at inconsiderable ~~pains~~ pains to find out small - weak points of the prosecution and to magnify -

them.

His main objection to [illegible] prosecution version seems to be that [illegible], the first report of Sub Inspector is i[illegible]. The fact he has held on to certain portions of it [illegible] has taken considerable pains to show that the present version is not in conformity with it.

One should not forget the circumstances under which it was written. The Sub Inspector and others were in a state of [illegible] excitement and probably in mortal fear [illegible] again attacked and so the primary idea [illegible] much to lay a complaint [illegible] to seek help of men from the Circle [illegible] the station and so hastily a note was written by the Sub Inspector and sent through Head Constable. It is true he had nearly [illegible] hours between coming to the Patwari's [illegible] sending of Ex A. [illegible] been highly excited and [illegible] fate of the injured. The Sub Inspector [illegible] go back for fear of his [illegible]. In [illegible] very imperfection is its best guarantee [illegible]. If the whole story was a deliberate [illegible], the Sub Inspector would certainly have [illegible] better and more perfect report. [illegible] accuseds' party having [illegible] and the Sessions Judge [illegible] word used by the Sub Inspector. In the light [illegible] looking to the admitted position [illegible] Sub Inspector no part of P. [illegible] with him.

If any such did, the accuseds' party would certainly not have escaped without so much as a scratch. This shows that the state of the Sub Inspector's mind when Exhibit A was written was such that he could not pick and choose his words. There does not also seem to be any valid reason - why the Sub Inspector who has always been showing and proving himself a friend of Accused 1 and 2 should all at once turn against them, and befriend P.W. 1 going to the length of planning and executing an attack on the Eliyur house and concocting a whole story falsely against the accused.

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26 OCT 1933

P.Ws. 1 to 8 were all examined by the Circle Inspector on 21/1 and the whole - story has come out then. P.Ws 4 and 7 are real way-farers and there is no reason why they should either join P.W. 1 in taking forcible possession of the Eliyur house or to attack Accuseds' - party or to perjure against the Accused. That they were beaten, there is no doubt. To say that because they have received injuries they must be taken to be the partisans of P.W.1 is arguing in a circle. The Sessions Judge says that if mere way-farers they would not have been beaten at all or to such an extent. This is not a good argument. In fights like this the attackers rarely wait to - discriminate as to the persons they select for - victims, nor do they take much time between -- blows. The accused might have at first thought them to be P.W. 1's party or come to help P.W.1 and so beaten them.

The Sessions Judge again says

that the neighbours of the locality [illegible] nesses. But then the Judge [illegible] that the [illegible] dence shows the nature of [illegible] few people would give evidence against [illegible] still would go near the place where [illegible] is beating persons.

The Sessions Judge ~~The Sub Inspector~~ [illegible]

mubh of one other point that the Sub Inspector did not go to the Sarapadi Potail's house [illegible] was nearer but went to the [illegible] house which is farther off. In the first [illegible] the Sub Inspector swears that he did not [illegible] the potail's house was. The Sub Inspector [illegible] knowthe potail ~~formerly~~ personally [illegible] partisan he was. He [illegible] Devamma's relation and [illegible] help and sympathy there [illegible] police who had come earlier would be [illegible] the Eliyur house. That [illegible] not even think of Sarapadi potail's [illegible] himself sent a report [illegible] getting another report [illegible] potail of Sarapadi.

The Sessions Judge [illegible] appear to have seen that the offence [illegible] January 1962 and the witnesses were [illegible] 10 months later and cross-examined [illegible] after the offence. [illegible] time and sequence of events are [illegible] in. There should not have been [illegible] relied upon.

This is a case in which law and order have been totally ~~deprived~~ defied by the accused and -- their lawlessness has reached a height and the - Sessions Judge has entirely lost sight of main -- probabilities and has gone on small trivial points. There has thus been an entire mis -carriage of justice and public interests require that an appeal - against acquittal should be filed.

OFFICE OF PLEADER
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There is a point of law also involved in the case. The appeal in the case seems to have been filed while the Sessions Judge was at Madras during the midsummer vacation. Under law the sessions judge outside the district cannot exercise any functions of a court. He has jurisdiction to receive appeals and pass bail orders only when he is within the district where he is the Sessions Judge. The very notification of the closing of the court for recess also declares that any bail petitions etc. should be made only to the High Court. Thus the presentation and filing of the appeal in this case was bad in law. It was not re-presented after the re-opening of the courts nor was any delay excused or wanted to be excused nor was the wrongly filed appeal ordered to be treated to have been ~~be~~ properly filed lateron. Thus there was no appeal legally filed in which the Sessions Judge could interfere.

Rule 143

LAW 1-4 -100—30-1-30.

*Received*_____19 *Registered*_____19

Criminal appeal - **Appeal against acquittal—~~Negatived~~.**

C.A ~~Case~~ No. 16/33 on the file of the Sessions Judge South Kanara - Declined.

LAW (GENERAL) DEPARTMENT.

READ—the following papers :—

[C.M 5546B] From the District Magistrate, South Kanara, No. 4413/M/33, dated 2.11.1933

Endorsement to the Public Prosecutor, Madras, No. 5546B dated 8.11.1933

[C.M 5769-B] From the Public Prosecutor, Madras, Opinion No. 74/33, dated 14.11.1933.

ORDER—Mis. No. 3755, dated 20/11/1933.

The Government do not consider it advisable to appeal to the High Court against the judgment of the Sessions Judge, South Kanara, acquitting the ~~accused~~ appellants in C.A No. 16 of 1933 on his file.

~~(True Extract.)~~

~~Secretary to Government~~

To

The District Magistrate, South Kanara.

The Public Prosecutor, Madras.